

Remarks:

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-39 are pending in the application. No claims have been allowed. Claims 1, 22, 23, 27, 29, 31, 33, 34, 38, and 39 are independent. Amendments herein do not necessarily limit the claims' scope.

Information Disclosure Statement

Applicant thanks the Examiner for proper consideration of two Information Disclosure Statements. Applicant further calls the Examiner's attention to an Information Disclosure Statement filed May 4, 2004. Applicant has not yet received the initialed Form PTO 1449 indicating that the May 4, 2004 Information Disclosure Statement has been considered. Applicant therefore requests that the Examiner consider the references therein and provide an initialed copy with the next paper.

Cited Art

U.S. Patent No. 6,393,289 to Bunting et al. ("Bunting") is entitled "Apparatus, method, and system for wireless telecommunication session control by an adjunct network entity."

U.S. Patent No. 6,549,613 to Dikmen et al. ("Dikmen") is entitled "Method and apparatus for intercept of wireline communications."

U.S. Patent No. 5,881,145 is to Giuhat et al. ("Giuhat").

U.S. Patent No. 6,052,589 is to Persson et al. ("Persson").

U.S. Patent No. 5,550,911 is to Bhagat et al. ("Bhagat").

U.S. Patent No. 6,601,013 is to O'Brien ("O'Brien").

Patentability of Claims 1-11, 15-17, 19-20, 22-36, and 38-39

over Bunting and Dikmen under § 103

The Action rejects claims 1-11, 15-17, 19-20, 22-36, and 38-39 under 35 U.S.C. § 103(a) as unpatentable over Bunting and Dikmen. Applicant respectfully submits the claims in their present form are allowable over the cited art. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP § 2142.)

Applicant has reviewed the passages relied on in Bunting and Dikmen. While triggers are described in Dikmen, Applicant finds no teaching or suggestion that would lead one to the recited arrangements involving correlating for two call legs.

Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. (See MPEP § 2143.01.)

Claim 1

Claim 1 recites in part (emphasis added):

correlating the outgoing correlation key associated with the *first call leg* with the incoming correlation key associated with the *second call leg*; and
based at least on the correlating, sending an electronic surveillance message indicating the destination identifier.

For example, the Application shows such an arrangement at FIG. 2 (store correlation information for outgoing leg; based on correlation information, correlate incoming leg related to outgoing leg; construct message), and the Application at page 14, lines 10 et seq., while describing FIGS. 11A and 11B describes:

Having correlated the parameters from IAM-2 and IAM-3 and determining that the call is subject to electronic surveillance, electronic surveillance processing takes place. In the example, electronic surveillance processing includes sending an origination message indicating the destination . . .

Applicants particularly find nothing in the references related to FIG. 11B.

In the rejection, the Action relies on Bunting as teaching correlating and then Dikmen as teaching electronic surveillance. Bunting describes at column 5, lines 1-20:

FIG. 1C is a block diagram illustrating a network connection utilizing an adjunct network entity 110 in accordant with the present invention. As illustrated in FIG. 1C, a switch 100 also receives an incoming call leg 105. As discussed above with regard to FIGS. 1A and 1B, the incoming call leg 105 indicates or invokes an intelligent network service, such as voice activated dialing, which may be referred to herein as an adjunct service. For example, the incoming call to the switch 100 may contain an originating request directing the switch 100 to query or refer the call to the adjunct network entity 110, or the incoming call may be

from a subscriber having a class or type of service also requiring querying or referring the call to the adjunct network entity 110, or the incoming call may be from a subscriber having a class or type of service also requiring querying or referring the call to the adjunct network 110. When one of these features or services is indicated for performance by an adjunct network entity 110, such as voice activated dialing, password verification, PIN verification, or accounting services, in accordance with the present invention the adjunct network entity 110 provides or invokes the service and transmits a control message back to the switch 100 with or having the activity information pertaining to the adjunct service.

Thus, Bunting does describe “an incoming call leg 105” and “the adjunct network entity 110 provides or invokes the service and transmits a control message back to the switch 100 with or having the activity information pertaining to the adjunct service.” However, Applicant still does not understand Bunting as describing “correlating the outgoing correlation key associated with the first call leg with the incoming correlation key associated with the second call leg.” And, further, the claim recites “based at least on the correlating, sending an electronic surveillance message indicating the destination identifier.” Bunting does not describe electronic surveillance. Accordingly, the Action relies on Dikmen.

Bunting in combination with Dikmen's description of calls originated by the Subject under Surveillance (SUS) does not teach or suggest “correlating the outgoing correlation key associated with a first call leg with the incoming correlation key associated with second call leg” as recited by claim 1. Dikmen describes a scenario for a call originated by the subject under surveillance (SUS) at column 4, lines 5 et seq.:

When the SUS originates a call (40a) on a subscriber line 16, the end-office switch 12 collects the digits dialed by the subject. As illustrated in FIG. 3, upon collecting the digits, it will hit the InfoCollected trigger and send an InfoCollected AIN message (40b) to the delivery function 20. . . . Upon receiving the AnalyzeRoute message, the end-office switch 12 shall route the call using ISUP (. . .) signaling (Initial Address Message – IAM) to the delivery function 20 (40d). The DF-SN 24 will receive the incoming call sent by the end-office switch 12 using the USUP trunks between the end-office and deliver function 20. The delivery function 20 shall send the “Origination” message as defined in the J-STD-025 to the law enforcement agency to inform them about the call origination (40e).

Thus, Dikmen does describe “Upon receiving the AnalyzeRoute message, the end-office switch shall route the call using ISUP . . . signaling . . .” and, “The delivery function 20 shall send the ‘Origination’ message . . .” However, Dikmen still does not describe correlating a key

associated with a first call leg with a key associated with a second call leg as recited by claim 1. Dikmen goes on to describe call *received* by the SUS.

Bunting in combination with Dikmen's description of calls received by the Subject under Surveillance (SUS) does not teach or suggest "correlating the outgoing correlation key for a first call leg with the incoming correlation key for a second call leg" as recited by claim 1. Dikmen describes a scenario for call received by the subject under surveillance (SUS) at column 4, lines 43 et seq.:

As illustrated in FIG. 4, when the subject under surveillance receives a call, the end-office switch 12 shall receive the call from another entity in the network . . . (50a). Upon receiving this incoming call, the switch 12 shall realize that the InfoAnalyzed trigger is armed for the called party number SIS and hit this trigger. Upon hitting this trigger, the end-office switch 12 shall send an InfoAnalyzed AIN message to the delivery function 20(50b). . . . The delivery function 20 shall send a "Termination Attempt" message as defined in the J-STD-025 to the law enforcement agency . . .

Thus, Dikmen does describe "Upon hitting the trigger . . ." and, "The delivery function 20 shall send a 'Termination Attempt' message . . ." However, Dikmen still does not describe correlating a key associated with a first call leg with a key associated with a second call leg as recited by claim 1. Accordingly, because neither reference teaches the recited element, the claim is allowable over a combination of the references.

Bunting and Dikmen approach can't properly handle surveillance for a call originated by SUS that is forwarded. To further illustrate differences between the approach of Bunting-Dikmen and the recited arrangement, applicant points out that a Bunting-Dikmen approach would not be able to report the eventual destination of a call originated by a SUS that is forwarded. Dikmen at column 5, lines 33 et seq. describes:

It is noted that the InfoAnalyzed trigger can also be used for forwarded calls since it is still the same subscriber that has that trigger armed.

Thus, Dikmen claims to work for situations in which a forwarded call is received by a SUS. However, Dikmen is conspicuously silent about how it would handle a situation in which a call originated by a SUS is forwarded to another destination. Because Dikmen does not correlate between call legs, it appears to be unable to handle such a scenario (e.g., it would not report the new destination). There are other scenarios for which Dikmen would not work (e.g., prepaid).

For at least these reasons, claim 1 and its dependent claims, 2-21, are allowable over a Bunting-Dikmen combination.

Claim 22 recites “correlating the outgoing correlation key associated with the first call leg with the incoming correlation key associated with the second call leg” and is therefore also allowable over a Bunting-Dikmen combination.

Claim 23 recites “storing a correlation identifier for a first call leg” and “detecting an attempt to establish a second call leg directed to a destination,” and is therefore also allowable over a Bunting-Dikmen combination along with its dependent claims 24-26.

Claim 27 recites “correlating call legs based at least on the correlation key” and is therefore also allowable over a Bunting-Dikmen combination along with its dependent claim, 28.

Claim 29 recites “correlating the outgoing correlation key associated with the first call leg and the incoming correlation key associated with the second call leg or attempted call leg” and is therefore also allowable over a Bunting-Dikmen combination along with its dependent claim, 30.

Claim 31 recites “employing the correlation key to correlate the first outgoing call leg with the second incoming call leg,” and is therefore allowable over a Bunting-Dikmen combination along with its dependent claim, 32.

Claim 33 recites “responsive to determining that the outgoing identifier associated with the first call leg and the incoming identifier associated with the second call leg are identical, sending an electronic surveillance message to a monitoring device,” and is therefore allowable over a Bunting-Dikmen combination.

Claim 34 recites “compare logic operable to collect call set up signaling information from a call leg directed to the telecommunications switch and determine whether the information appears in the list of correlation keys for which call legs have been directed from the telecommunications switch” and is therefore allowable over a Bunting-Dikmen combination, along with dependent claims 35-37.

Claim 38 recites “means for comparing the correlation information for the outgoing call leg against call set up signaling information for an incoming call leg” and is therefore allowable over a Bunting-Dikmen combination.

Claim 39 recites “implement correlation to correlate call legs” and is therefore allowable over a Bunting-Dikmen combination.

Patentability of Claims 12, 21, and 37 over Bunting, Dikmen, and Giuhat under § 103

The Action rejects claims 12, 21, and 37 under 35 U.S.C. § 103(a) as unpatentable over Bunting, Dikmen, and Giuhat. The Action finds a feature of these dependent claims in Giuhat. Although Applicant respectfully disagrees, in the interest of brevity, Applicant merely points out that Giuhat does not contribute sufficient disclosure, motivation, or suggestion that would result in the arrangement of the respective independent claims. The base claims from which these claims depend are therefore allowable over a Bunting-Dikmen-Giuhat combination.

For at least these reasons, these claims are allowable over a Bunting-Dikmen-Giuhat combination.

Patentability of Claim 13 over Bunting, Dikmen, and Persson under § 103

The Action rejects claim 13 under 35 U.S.C. § 103(a) as unpatentable over Bunting, Dikmen, and Persson. The Action finds a feature of this dependent claim in Persson. Although Applicant respectfully disagrees, in the interest of brevity, Applicant merely points out that Persson does not contribute sufficient disclosure, motivation, or suggestion that would result in the arrangement of the respective independent claim. The base claim from which this claim depends is therefore allowable over a Bunting-Dikmen-Persson combination.

For at least these reasons, the claim is allowable over a Bunting-Dikmen-Persson combination.

Patentability of Claim 14 over Bunting, Dikmen, and Bhagat under § 103

The Action rejects claim 14 under 35 U.S.C. § 103(a) as unpatentable over Bunting, Dikmen, and Bhagat. The Action finds a feature of this dependent claim in Bhagat. Although Applicant respectfully disagrees, in the interest of brevity, Applicant merely points out that Bhagat does not contribute sufficient disclosure, motivation, or suggestion that would result in the arrangement of the respective independent claim. The base claim from which this claim depends is therefore allowable over a Bunting-Dikmen-Bhagat combination.

For at least these reasons, the claim is allowable over a Bunting-Dikmen-Bhagat combination.

Patentability of Claim 18 over Bunting, Dikmen, and O'Brien under § 103

The Action rejects claim 18 under 35 U.S.C. § 103(a) as unpatentable over Bunting, Dikmen, and O'Brien. The Action finds a feature of this dependent claim in O'Brien. Although Applicant respectfully disagrees, in the interest of brevity, Applicant merely points out that O'Brien does not contribute sufficient disclosure, motivation, or suggestion that would result in the arrangement of the respective independent claim. The base claim from which this claim depends is therefore allowable over a Bunting-Dikmen-O'Brien combination.

For at least these reasons, the claim is allowable over a Bunting-Dikmen-O'Brien combination.

Request for Interview

If the Examiner still is not persuaded, Applicant respectfully requests an indication of what specific items in Bunting or Dikmen the Examiner is relying on as teaching the recited correlation keys (e.g., for a call leg). Applicant finds no such items.

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicant submits the foregoing formal Amendment so that the Examiner may fully evaluate Applicant's position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

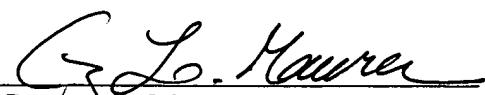
Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Gregory L. Maurer
Registration No. 43,781

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446